

# THE WEATHER

Cloudy tonight and Tuesday. Probably showers and cooler Tuesday.

# THE DAILY TELEGRAM

Home Edition

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CLARKSBURG, W. VA., MONDAY, MAY 11, 1914

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## RESOLUTION INTRODUCED TO INVESTIGATE DAYTON

Congressman Neely Upon Petition of More Than 9,000 West Virginians Offers It.

### JUDGE'S OFFICIAL ACTS

Relating to Labor Unions and Other Matters Form Basis of Charges.

(SPECIAL TO THE TELEGRAM)

WASHINGTON, D. C., May 11.—Representative Neely, of the First district, upon the House convening today, introduced a resolution which calls for an investigation of the judicial conduct of Judge Alston G. Dayton, of the United States district court for the Northern district of West Virginia. The resolution authorizes and directs the House committee on the judiciary to make the investigation, and was referred to that committee and ordered printed. The resolution gives the committee full powers to conduct the investigation and provides for the expense it may incur.

Some of the charges against Judge Dayton are as follows:

"That he has issued injunctions against labor unions which place them beyond the pale of the law, and which make their deliberate actions conspiracies and their members miscreants and felons."

"That he has had men and women arrested upon the sole charge of asking other men to join a labor union."

"That he, by the use of injunctions has prevented and inhibited the exercise of the constitutional right of the people to assemble peaceably to petition for redress of wrongs."

"That he, under prosecution by contempt proceedings, recently found one Mayor Schwartz guilty of contempt of court and sentenced him to serve sixty days in jail for the sole reason that said Schwartz rented and leased his property to one James Oates."

"That he has publicly declared his antagonism to persons not yet on trial, whom he expected soon to be tried before him."

"That he, in the hearing of contempt proceedings, ignores the laws of the state of West Virginia and the constitution of the United States, and refuses to follow or be bound by the decisions of the supreme court of the United States, and treats said decisions with contempt."

"That his decisions have been such as to result in their reversal when carried to a higher court, but that such appeals are so costly as to be prohibitive to some, and that this puts a price upon justice which keeps it out of the reach of poor people."

"That his decisions, comments, and attitude generally prove him so constitutionally prejudiced as to unfit him to act as a judge, a position which requires, in an unusual degree, the qualities of fairness, calmness, sympathy and reasoning."

The preamble to the resolution recites that more than 9,000 persons, representing themselves to be citizens of West Virginia, have petitioned for this investigation.

This resolution followed the visit of A. M. Belcher, of Charleston, and John Palmer, Jr., of Wheeling, attorneys for the United Mine Workers in West Virginia. Mr. Belcher filed with Representative Clayton, chairman of the House judiciary committee, a list of "specifications" or charges against Judge Dayton. The list is a much longer one than that contained in the Neely resolution.

The committee has a week in which to consider and report on the resolution. It may report it with or without recommendation, and the committee has been known to report articles of impeachment instead. What course will be taken in this case no one knows.

## PNEUMONIA

Causes Death of William Looty An Italian Coal Miner of Dola.

Funeral services over the body of William Looty, aged 57 years, an Italian coal miner of the Fayette Coal Company, of Dola, who died Sunday afternoon after a few days' illness of pneumonia, were held at 2 o'clock this afternoon at the Church of the Immaculate Conception and the burial was in the Holy Cross cemetery.

The deceased man is survived by a widow and three daughters in the old country and three sons in this country. He arrived in this country from Italy last Monday, being taken ill a few days after his arrival.

## TRIALS

Are Begun in the Circuit of the County Before Judge Hay.

Jury trials were begun in the circuit court Monday morning before Judge Raymond Maxwell.

A jury returned a verdict for \$511.50 for the plaintiff in the case of U. G. Sherwood et al against F. C. Devericks.

The trial of E. C. Devericks' case against D. W. Jacobs for commissions for selling lots is on.

## MRS. WOOD FREE.

LONDON, May 11.—Mrs. Mary Wood, the militant suffragette, who mutilated the portrait of Henry James in the royal academy, was released temporarily from prison today. She was in a very weakened condition because of a hunger strike.

## MYSTERY CLEARED UP BY THE POLICE

### LOCAL ELKS

Are Preparing to Go at Least 150 Strong to the Coming State Convention.

Clarksburg Lodge, No. 482, Benevolent and Protective Order of Elks, promises to have at least 150 of its members in the parade at the state convention at Parkersburg June 16, 17 and 18, and arrangements have been made for a fine appearance. The lodge has delegated the purchase of a fine banner to a committee headed by Charles L. Hickman.

The Parkersburg committee headed by Frank J. Welch a few weeks ago decided on suits of blue serge coats and white serge trousers to be purchased by members from the National Woolen Mills. The hats to be worn are to be purchased at Donohue and Johnson's store. They are white hats with purple bands. Elegant canes are to be purchased at Nussbaum's store. Low white shoes will be worn and they may be purchased where the members individually may elect. Purple hose and purple neckties are to be worn and they may also be purchased wherever the members see fit.

### SHORT SESSION OF COURT.

Only five drunks faced Mayor Will H. Cole at the Monday morning session of police court and the docket was quickly disposed of. Two of them contributed fines and the others were discharged.

One Man in Jail in Connection with Shooting in Italian Boarding House.

The mystery surrounding the killing of one man and the wounding of two other persons in an Italian boarding house on Poplar street Saturday night was cleared up by the police yesterday and as a result Frank Rollo, one of those wounded, is held in the county jail, charged with the shooting of Mrs. Vito Zocco, and a statewide search has been instituted for Vito Zocco, who, two witnesses say, fired the shot that killed Antonio Varano, who was found lying dead on the floor in Zocco's home with a bullet in his brain when police entered the house Saturday night.

Mrs. Zocco, who is lying in a local hospital, suffering from a bullet wound in her side, told the police these facts yesterday and her story was corroborated by Nick Cavallo, a boarder in the home, who was present throughout the shooting, though he is not thought to have taken any part.

Special Italian Police Officer "Jimmy" Burgess says that Rollo and Varano are members of the Black Hand and the stories told by the witnesses bear out this statement. Further proof that the Black Hand was connected with the shooting was offered this morning when it was learned that only three weeks ago, Sanitary Officer Ours, while inspecting Zocco's premises, found twenty-four sticks of dynamite under the house. The dynamite was brought to the police station but the finding of the explosion.

(Continued on page three.)

## NATION PAYS DUE TRIBUTE

### DIES

Does Mrs. Emma Robinson as She Prepares to Leave for Her Home in Levey.

Miss Emma Robinson, aged 24 years, wife of J. H. Robinson, a well known glass worker, died at 8:30 o'clock Sunday evening at the home of Mrs. P. McGary, her mother, at Industrial after two hours' illness of acute indigestion.

Mr. and Mrs. Robinson reside at Vineland, N. J., but Mr. Robinson works at a local glass plant during the winter. They were to return to Vineland yesterday, having everything ready and at the station to leave at 5:45 o'clock yesterday evening. Mrs. Robinson was taken ill as they were getting ready to go to the train and died two hours later.

The deceased woman is survived by her mother, Mrs. McGary, and a brother and a sister. The brother is John McGary and the sister is Miss Elizabeth McGary, both residing here.

A requiem high mass will be said for Mrs. Robinson at 9 o'clock Tuesday morning at the church of the Immaculate Conception, and the funeral party will leave Tuesday evening at 5:40 o'clock for Vineland, where the burial will take place. Owing to the conditions of the roads between this city and Industrial the body will not be brought into the church Tuesday morning, and friends wishing to see Mrs. Robinson can do so by calling at Mr. McGary's home before 4 o'clock.

## BECKER JURY

Is Completed and the District Attorney Begins to Present the State's Case.

NTW YORK, May 11.—A jury to try Charles Becker, former police lieutenant, charged with instigating the murder of Herman Rosenthal, was completed today. Frederick A. Strock and F. C. Barrett were chosen to take the places of the men excused Saturday.

The district attorney immediately began his opening presentation of the state's case to the jury. Mr. Whitman made no mention of the execution of the four gunmen and in no way suggested that the prosecution had any new evidence.

### THREE FINED

And Two Are Jailed in Default of Payment for Being Drunk at Station.

Bert Sorden, G. W. Golden and A. Hays were fined \$1 and costs each Monday morning in Justice T. G. Nicewarner's court for being drunk at the Baltimore and Ohio railroad station. Sorden paid his fine and was released, but in default the others were sent to jail for road work of six days each. All were arrested and prosecuted by W. J. Mays, a member of the railroad detective force.

## PETER COLLINS LECTURES IN CITY THIS EVENING



PETER W. COLLINS, of Boston.

Mr. Collins will deliver a lecture on "The Coming Conflict or the Menace of Socialism," at the Robinson Grand theater at 8 o'clock this evening under the auspices of the Knights of Columbus.

The local committee in charge of the lecture announces that owing to the limited seating capacity of the theater and the large crowd expected, children under sixteen years of age will not be admitted.

## OIL DROPS

Ten Cents a Barrel When the Market Opens Today in the City of Pittsburgh.

PITTSBURGH, May 11.—Ten cents came off the price of the principal grades of crude oil when the market opened today, the following prices being quoted by the purchasing agencies: Pennsylvania crude, \$1.90; Mercer, \$1.40; Newcastle, \$1.40; Corning, \$1.05; and Cabell, \$1.47. The reduction on Somerset was five cents to \$1.05 a barrel.

## ARREST

Of an American Officer, Retired, at Instance of Uncle Sam is Reported.

WASHINGTON, D. C., May 11.—First Lieutenant Charles M. Maigne, United States Army, retired, who went through the Mexican line at Vera Cruz in the capacity of correspondent for a Washington newspaper, was arrested today upon returning to Vera Cruz. Advice of his arrest reached the war department from General Funston. The arrest was ordered from Washington on the ground that it would be difficult to explain the presence of an American officer within the lines of those who contest the rights of the United States on Mexican soil.

## SEVERE STORM

Wisconsin County, Killing One Person and Injuring Four others.

MADISON, Wis., May 11.—Mrs. John Olmos, of Glenville, was killed and four others injured when a severe storm passed over Dane county today. Buildings were wrecked and other damage done. Four big tobacco sheds near McFarland were partly demolished. Farmers report the greatest damage to growing tobacco.

## ROUTE BOOK

Of Good Roads in West Virginia is to Be Issued by the State Road Bureau.

MORGANTOWN, May 11.—At a meeting of the state road bureau just held here, at which L. W. Stenger was officially appointed secretary, the preparation of a good roads route book for West Virginia was authorized. The publication will be modeled after the Blue Book, so well known to motorists, but it will be devoted exclusively to this state and will be much more complete in detail. The book will not only show the best highways in various parts of the state, but will designate the kind and quality of all the principal roads. All pertinent facts concerning the scenery, hotel and garage accommodations and other details will be given.

### CAR TO RUN.

For the convenience of persons attending the Grand Encampment and the Department Council meeting Wednesday a car will leave Clarksburg at 11:30 on the interurban line for intermediate points, making connections for Mannington and other points.

### MINISTERS MEET.

The Clarksburg Ministerial Union held a regular meeting Monday forenoon in the parlor of the First Presbyterian church. Besides routine business looked after, the Rev. Dr. H. T. McClelland read an excellent paper on "The Ministry of Comfort."

### ONE MARRIAGE LICENSE.

A marriage license has been issued to John R. Boyd and Mamie V. Hollis.

## SENATOR GOFF'S SPEECH AGAINST TOLLS' REPEAL

### CONTEMPT CASES ARE THROWN OUT

Gompers, Mitchell and Morrison Go Free through Statute of Limitations.

WASHINGTON, D. C., May 11.—The contempt sentences imposed by the district court on Samuel Gompers, John Mitchell and Frank Morrison, labor leaders, were set aside today by the supreme court as barred by the statute of limitations.

Justice Holmes said the case turned upon the point that the contempt proceedings should have been started within three years of the date of the offenses, that proceedings for contempt should be speedy and thus come within the purpose of the statute of limitations. Justices Pitney and Vandevanter dissented.

The decision settled the point that contempts of court are crimes. Justice Holmes said that contempts are infractions of law visited with punishment as such and if they were not crimes the court was in error as to the most fundamental characteristics of crime, as that word has been understood in English speech. The mere fact that as contempts had been worked and fought out they were not triable by jury did not make them any the less crimes, he added.

### WOMAN DEPORTED.

Dora Dodd was ordered to leave the city and warned that a jail sentence would be hers if she returned when she was arraigned in police court Sunday morning on a charge of disorderly conduct near the Glen Elk bridge Saturday night. She agreed to leave the city at once. She was arrested by Officer McCloud.

### SUDDEN

Is Death of Sherman Hileman, of Frenchton, at a Local Hotel.

While enroute to his home at Frenchton, Sherman Hileman, aged 47 years, was taken ill at the local Baltimore and Ohio station Sunday and was taken to the Glen Elk hotel where he died at 2 o'clock Monday morning. Heart failure was the cause of Mr. Hileman's death.

Mr. Hileman had been visiting in this city for several days and started for his home at Frenchton Sunday morning. While waiting for a train at the station he was taken ill. Friends removed him to the Glen Elk hotel where a physician was summoned and it was thought that he could resume his journey this morning, however, he gradually grew worse and died at the hour stated above.

The deceased man is survived by a widow and several children. The body was prepared for burial and will be taken to Frenchton Tuesday. The funeral services and burial will take place there Wednesday.

### GALVIN ACCEPTS.

John Galvin, of Cincinnati, O., past grand exalted ruler, announces his acceptance of an invitation to deliver the memorial address of the Clarksburg lodge of Elks the first Sunday in next December. Mr. Galvin instituted the local lodge fifteen years ago.

## BRITISH TAKE REFUGEES OFF

### SEEN AGAIN

Is Frank Pauletta, It is Reported, and Sheriff Sends Posse on Another Search.

Information was telephoned to Sheriff Ross F. Stout last Monday afternoon that Frank Pauletta, the condemned murderer who recently escaped from the county jail, had been seen in a thicket on the north side of Pinnickinick hill. The sheriff immediately organized a posse and sent it in charge of a deputy to search the place.

Seven men were arrested as suspicious characters Sunday night about 9:30 o'clock at a gas well rig in Glen Elk No. 2 by Sheriff Stout and a posse of deputies, who were scouring that section for Pauletta. The men were locked up in the county jail to await action in their cases by the prosecuting attorney. Their names are registered as B. L. Vincent, Anthony Munley, Dais Pasell, John Tenney, James McHale and John Campbell.

### SLIGHT SHOCKS

Are Registered Today But No Damage is Reported Therefrom So Far.

CATANIA, Italy, May 11.—Several slight earthquake shocks were registered today but no further damage was reported. Army, navy and civil authorities continued their efforts to relieve the distress of the thousands of persons who lost their homes in the earthquake which destroyed a dozen villages last week. Most of the peasants are leaving the district. Others refuse to move until they learn the fate of missing relatives. Official returns of the dead give the number at about 150 but it is believed many more are still buried in the heaps of debris.

### CLASS ADDRESS

Of the City High School Will Be Delivered by Dr. Halleck, of Louisville, Ky.

While the graduating class of the high school has not been definitely determined owing to illness and other causes, there are forty-one students under consideration—nineteen girls and twenty-two boys. The closing exercises will begin with a class sermon by the Rev. G. D. Smith in the First Methodist Episcopal church at 10:45 o'clock Sunday, May 24. The class address will be made in the Masonic temple Thursday evening, May 28, by Dr. Reuben Post Halleck, of Louisville, Ky. The colored school commencement will be held the following night in the Water street school auditorium.

William F. Meredith, of Wolf Summit, was a city visitor Monday. Mr. and Mrs. Elijah Galt were here Monday from Sardis.

Tells the Senate to Kill the Hay Treaty and Throw Off the Yoke.

### SUBTLE BRITISH ATTITUDE

And Hand of Canada Weave the Web That Catches the President.

Saturday's Washington Post gave the following account of Senator Nathan Goff's speech against repeal of the tolls exemption clause of the Panama canal law:

Senator Nathan Goff, of West Virginia, who for twenty years before coming into the Senate was a federal judge of the circuit court, in an elaborate speech on the toll repeal bill, yesterday gave the experts in international law who claim that toll exemption violates the Hay-Pauncefote treaty new food for thought.

He held that if their contention is correct the Hay-Pauncefote treaty has, in fact, been abrogated, and that its provisions are no longer binding. He asserted that England for 120 years had attempted to take advantage of the United States by the subtleties of diplomacy, and gave it as his firm conviction that this country can never have diplomatic peace with Great Britain until the treaty now in controversy is formally abrogated. Not until then, he said, would the people of the United States possess their complete commercial and industrial independence.

### Calls Its Monstrous Proposition.

The speech of the West Virginia senator was a strong argument for toll exemption. He predicted political disaster for the party which attempts to make vessels of the United States pay tolls, the only ones, as he fully explained during his speech, that would be required to do so. The vessels of all other countries, he said, would be exempt from tolls, because England, Germany, France and Japan have already arranged to pay the tolls imposed upon commercial vessels owned by their people.

"That is a monstrous proposition, but it is a reality," he said. "Our ships are struggling now, God knows, under a burden that I wonder they bear as well as they do. But they must pass through the canal owned by their country and whose flag they carry, branded as the only vessels that must pay tolls."

### Pleads for Its Abrogation.

"I believe the day is coming when these ships will go through free. If this Congress does not so speak, after the people of this nation have spoken, there will be a Congress that will. "You may call such legislation a subsidy, if you please, which technically it is not, but it will not scare me, for I know that by and through such governmental policies all other nations have prosperity, and I know, also, that that prosperity has driven our ships from the waters of all oceans."

"For one, would like to declare that the government of the United States is weary of this continued strife from 1794 down to 1914, with the subtle diplomacy of Great Britain. I am tired of such contentions. We should no longer submit to the uncalled-for meddling in our home affairs by nations that at least are officious. Let us throw off the yoke to which we should never have been subjected and declare our commercial and worldwide industrial independence, and announce it in a manner that will be understood everywhere."

"Let us," continued Senator Goff, with vehemence, "abrogate the Hay-Pauncefote treaty by an act of this Congress—at the same time that we indicate, which has been pursued in similar circumstances from the foundation of the government."

"If it is true that our Panama canal tolls act is in conflict with the Hay-Pauncefote treaty, then that act abrogates the treaty. You cannot escape that conclusion. I submit it to the consideration of the president and of those who claim that the legislation of 1912 is in violation of the Hay-Pauncefote treaty."

"We would better reject the bill, and then, for fear there should be any misunderstanding about it, abrogate the treaty. We shall never have diplomatic peace until we so act."

### Quotes Many Opinions.

Senator Goff quoted from the public statements of Senators Walsh and Vanderman, Representative Underwood, former Presidents Taft and Roosevelt in favor of the exemption of coastwise shipping from tolls as indicative of the thought of the country and the opinion of representative men of both the great parties.

He referred sarcastically to the recent statements of the president to the suffragists that he could not discuss that question because there was no platform declaration upon it, although he at the same time was not only disregarding, but repudiating, a specific plank declaring in favor of toll exemption.

### Offers Two General Propositions.

Senator Goff set up two general propositions, to which he addressed himself at length:

"There is no international obligation to submit the construction of legislative acts by any process of arbitration, and

"That any aggrieved party has an appropriate, impartial, and competent tribunal in the supreme court of the United States."

(Continued on page six.)

Warship Has 250 of Them on Board on the Way to Vera Cruz Now.

### ARE MOSTLY SPANIARDS

Gunboat Belonging to the Mexican Federal Forces Blown Up by Rebels.

VERACRUZ, May 11.—Cables from Vera Cruz today say that the British warship, *Hermione*, took off 700 refugees from Tampico last night and is now enroute to Vera Cruz. Most of them were Spaniards and other foreigners and included 400 men, 200 women and 150 children.

### GUNBOAT BLOWN UP BY THE MEXICAN REBELS.

WASHINGTON, D. C., May 11.—Rear Admiral Howard, commander of the Pacific fleet, reported today that the abandoned Mexican federal gunboat, *Morelos*, was yesterday boarded, set afire and blown up by the Constitutionalists, at Mazatlan.

### SUPREME COURT JUSTICE IS SELECTION OF WILSON.

WASHINGTON, D. C., May 11.—Associate Justice Joseph R. Lamar of the United States supreme court, and Frederick W. Lehmann, of St. Louis, former solicitor general, have been selected by the president to present his views before the South American mediators in the Mexican situation.

### CONDITION UNIMPROVED.

W. M. Quinn, popular conductor on the Short Line railroad, continues in a serious condition at his home on Baltimore street. He has been ill for several days and news of his unimproved condition will be received with regret by his many friends.

### MAYO DEAD.

NEW YORK, May 11.—Colonel John C. Calhoun Mayo, Democratic national committeeman from Kentucky, died here this afternoon at the hotel where he has been ill since April 23.

### DOVENER IS DEAD.

Word is received here of the death of Captain B. B. Dovener, of Wheeling, former congressman, at a sanitarium at Glen Echo, Md., Saturday, aged 78 years. He will be buried at Wheeling.

### TO BE SENT HOME.

BATAVIA, Java, May 11.—The body of Madam Lillian Nordica, the American singer, who died here of pneumonia last night, is to be sent to the United States May 16.

### STRUCK BY AUTO.

RICHMOND, Va., April 11.—Deatur Axtell, vice president of the Chesapeake and Ohio railway, was struck by an automobile on the street here today and is believed to have been fatally injured.